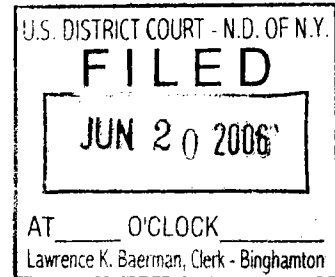


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK



S/N PRECISION ENTERPRISES, INC.)
D/B/A PACAMOR KUBAR BEARINGS and)
INTERCONTINENTAL BEARING SUPPLY INC.)

Plaintiffs,)

-against-)

AXSYS TECHNOLOGIES, INC., SAPPORO)
PRECISION INC., KITANIHON SEIKI CO., LTD.,)
AND SANBI CO., LTD)

Defendants.)

Civil Case No.: 1:05-cv-371
TJM/RFT

ORDER

PRESENT: THOMAS J. McAVOY,
Senior United States District Judge

WHEREAS, the issues in the above-entitled action having come on to be heard before Senior United States District Court Judge, Hon. Thomas J. McAvoy, on April 10, 2006; and


WHEREAS, Plaintiffs/Counterclaim Defendants, S/N Precision Enterprises, Inc. d/b/a Pacamor Kubar Bearings and Intercontinental Bearing Supply Inc. (collectively "Plaintiffs") having appeared by their attorneys, Girvin & Ferlazzo, Salvatore D. Ferlazzo, of counsel, and Defendant Axsys Technologies, Inc. ("Defendant") having appeared by their attorneys, Nixon, Peabody, LLP, and Grunfeld, DeSiderio, Lebowitz, Silverman & Klestadt, LLP, Ned Marshak, of counsel, and the issues having been duly presented before the Court; and

WHEREAS, this Court having rendered a Decision dated April 10, 2006, attached hereto and incorporated herein;

NOW, THEREFORE, it is hereby

ORDERED, that Plaintiffs Motion to Dismiss is GRANTED insofar as: (1) Defendant seeks to recover under the Lanham Act or state law based on any claimed misrepresentations by Plaintiffs to Customs or based on Plaintiffs' receipt of CDSOA payments; and (2) Defendant seeks to recover under the theory of unjust enrichment based on Plaintiffs' receipt of CDSOA payments. In all other respects, Plaintiffs' Motion to Dismiss is DENIED.

Dated: June 30, 2006


Thomas J. McAvoy
Senior, U.S. District Judge